

REMARKS

In response to the Office Action mailed July 10, 2006, favorable reconsideration is respectfully requested in view of the above amendments and the following remarks. By the above amendment, Applicants have amended claims 192, 193, 196, 197 and 200. Support for the above amendments may be found throughout the specification and/or claims as originally filed. Support for linear peptides that are 6 to 50 amino acid residues in length can be found, e.g., at page 19, lines 15-20. The above amendments are not to be construed as acquiescence with regard to the Examiner's rejections and are made without prejudice to prosecution of any subject matter removed or modified by this amendment in a related divisional, continuation or continuation-in-part application.

Objections Regarding Sequence Disclosure

According to the Examiner, the application fails to comply with the sequence disclosure requirements of 37 CFR 1.821 through 1.825 on the basis that SEQ ID NO: 15 as set forth at page 17 of the specification and in claims 197 and 200 does not correspond to SEQ ID NO: 15 as set forth in the Sequence Listing filed August 25, 2003. The Examiner states that residue 5 of the sequence is threonine in the specification and claims, but is tyrosine in the sequence listing.

By the above Amendment to the Specification, and the enclosed Substitute Sequence Listing, the sequence of SEQ ID NO: 15 in claims 197 and 200 has been re-numbered as SEQ ID NO: 31, and this sequence has been added to the substitute Sequence Listing as SEQ ID NO: 31. The enclosed electronic and paper copies of the Sequence Listing, include no new matter that goes beyond the original application as filed, but are supplied to fulfill the requirements as outlined by the Examiner. Furthermore, the above amendments, which merely direct the insertion of corrected sequence identifiers and the Sequence Listing, include no matter that goes beyond the original application as filed. Applicants respectfully submit that the above-identified application is in compliance with 37 C.F.R. §§ 1.821-1.825, and request reconsideration of this rejection.

Rejections Under 35 USC 112, Second Paragraph

Claims 197 and 200 stand rejected under 35 USC 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner asserts that claims 197 and 200 are indefinite because the amino acid sequence identified as SEQ ID NO: 15 does not correspond to SEQ ID NO: 15 as set forth in the sequence listing filed August 25, 2003. Applicants respectfully submit that this rejection is moot in view of the above amendments to the specification and the substitute Sequence Listing enclosed herewith, as discussed above. Reconsideration of this rejection is respectfully requested.

The Examiner also objects to claims 197 and 200 on the basis that semicolons after “YAS” and “RAL” need to be changed to commas. By the above amendment, these corrections have been made.

In addition, claim 193 is objected to under 37 CFR 1.75(c) as being in improper depending form for allegedly failing to limit the subject matter of a previous claim. More particularly, according to the Examiner, dependent claim 193 recites that the linear peptide can comprises derivatives of the foregoing sequences and thus embraces the use of linear peptides not permitted by independent claim 192. Applicants respectfully submit that this rejection is also now moot in view of the above amendment, which has removed the phrase in question from dependent claim 193.

Double Patenting Rejection

Claims 192-195, 198 and 199 stand rejected for nonstatutory obviousness-type double patenting as being unpatentable over claims 1-10 of US Patent No. 6,203,788. According to the Examiner, although the conflicting claims are not identical, they are not patentably distinct because the claims of the ‘788 patent clearly anticipate the instant claims, which are generic to those originally filed and patented in grandparent application 08/939,853.

Without acquiescing to the stated grounds for rejection, Applicants *enclose herewith* a timely filed Terminal Disclaimer under 37 CFR 1.321.

Rejections Under 35 USC 102

The Examiner's rejections under 35 USC 102 are briefly summarized below.

Claims 192, 193 and 198 are rejected under 35 USC 102(b) as being anticipated by WO91/04745. According to the Examiner, the cited reference teaches modifying tight junctions between endothelial cells expressing cadherins by contacting the cells with peptides comprising an HAV sequence.

Claims 192 and 193 stand rejected under 35 USC 102(b) as allegedly being anticipated by Lutz et al. (J. Biomolecular Structure & Dynamics, Vol. 13, pages 447-455). According to the Examiner, Lutz et al. teaches a peptide comprising the sequence HAV, and SEQ ID NO: 22, and further that Lutz et al. teaches that the peptide inhibits embryo compaction and neurite growth by inhibiting cadherin-cadherin interactions.

Claims 192-200 stand rejected under 35 USC 102(e) as allegedly being anticipated Sampath et al. (US Patent No. 6,498,142). According to the Examiner, Sampath et al. describes the protein GDF-1 which comprises the partial sequence HAV at residues 51-53 and the partial sequence RGD at residues 55-57.

Claims 192-200 also stand rejected under 35 USC 102(e) as allegedly being anticipated by Tripp et al. (US Patent No. 6,419,923). According to the Examiner, Tripp et al. teach a protein of SEQ ID NO: 15 which comprises two copies of the partial sequence HAV at residues 317-3190 and 354-356, and the partial sequence RGD at residues 309-311.

Applicants respectfully traverse these rejections. Without acquiescing to the stated grounds for rejection, and without prejudice to further prosecution in a related application, claim 192 has been amended to specify that the claimed methods employ a linear peptide that comprises two or more of the cell adhesion recognition sequence HAV. In addition, claim 192 has been further amended to clarify that a linear peptide used in the claimed methods is one that is 6-50 amino acid residues in length.

The Examiner acknowledges, at page 7 of the Action, that the elected species of HAVHAV (SEQ ID NO: 10) is novel and non-obvious over the prior art of record or any combination thereof. Further, as none of the cited reference teaches or suggests a linear peptide that is 6-50 amino acid residues and that comprises at least two or more of the cell adhesion

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recognition sequence, HAV, Applicants respectfully submit that the claimed invention is novel over the cited references. Reconsideration of the rejections is respectfully requested.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Applicants respectfully submit that all of the claims remaining in the application are now believed to be in condition for allowance. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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JEH:ms

Enclosure:

Sequence Listing

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